REMARKS/ARGUMENTS

Reconsideration of the application is requested.

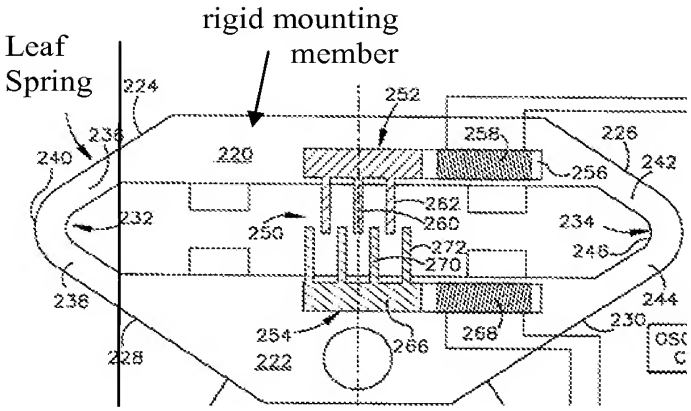
Claims 13-27 remain in the application. Claim 13 has been amended.

More specifically, claim 13 has been amended in an effort to emphasize the fact that the "spring" of this invention is formed by the housing itself. That is, the housing has first and second parts which are formed as springs. The force introduction means act directly on the first and second housing parts.

We now turn to the art rejection, in which claims 13-23 and 25-27 have been rejected as being anticipated by Munch (US 6,087,598) under 35 U.S.C. § 102 and claim 24 has been rejected as being obvious over Munch under 35 U.S.C. § 103. We respectfully traverse on the basis of the amended claims.

Munch corresponds largely with the prior art described in applicants' introductory specification. There, applicants explain that the production and assembly of prior art force sensors with rigid housings and springs or spring packs is cumbersome and complicated. Specific reference is had to the paragraph bridging page 2 and 3 of the translated specification, where the prior art – as represented by Munch – and its disadvantages are described.

Munch has a housing formed of two rigid parts 220 and 222 (they are referred to as mounting members, as "rigid mounting members 40, 42," (Fig. 2) and "mounting members 140, 142." (Fig. 3)).



While the illustration of Fig. 4 appears to suggest that the entire housing (220, 242, 244, 222, 238, 236) is a resilient, springy structure, this is not the case. Munch explains in detail that the illustration shows rigid parts 220, 222 and leaf springs 232, 234. Reference is had to col. 7, lines 23-46, where Fig. 4 is described:

> A pair of spaced apart and opposed guide elements 232 and 234 are connected between side edges 224, 228 and 226, 230 of mounting members 220 and 222, respectively . . . . Guide elements 232 and 234 may be formed integrally with the mounting members 220 and 222, as shown, or they may be affixed to the respective mounting members by any suitable means. Guide elements 232 and 234 preferably are mechanically biased with a predetermined spring constant for urging the spaced apart relationship between the mounting members 220 and 222. Guide elements 232 and 234 are preferably made from a spring material such as spring steel.
>
> Guide element 232 is formed of a resilient arm 236 connected to first mounting member side edge 224, a resilient second arm 238 connected to second mounting member first side 228, and a resilient bendable portion 240 interconnecting arms 236 and 238. Arms 236 and 238 and bend portion 240 define a leaf spring, which urges a spaced apart relationship between mounting members 220 and 222 and impedes the relative movement between mounting members 220 and 222 as a load is applied to the seat 12.

Munch, col. 7, lines 23-46.

It is clear that neither the embodiment of Fig. 4, nor the other embodiments illustrated in Figs. 2 and 3 of Munch, anticipate the force measuring device defined in claim 13. Munch does not have two resiliently flexible housing parts whose relative movement is registered in order to measure the force introduced via force introduction means.

Even if, arguendo, the leaf springs 56, 66; 156, 166; or 232, 234 were read on the "resiliently flexible housing parts" and the rigid mounting members 40, 42; 140, 142; or 220, 222 were read on the "force introduction means," the claim would still not be met, because claim 13 places the deflection sensor for registering a relative movement between the first and second housing parts. In virtually all situations, the leaf springs will move in unison, and there will not occur any appreciable movement of the leaf springs relative to one another. Further, the sensor could not detect a relative movement between the leaf springs.

With regard to the obviousness rejection, we cannot discern any stated reason, or any perceived suggestion, that would prompt a person of ordinary skill in the pertinent art to modify Munch so as to render the housing parts 40, 42; 140, 142; or 220, 222 ("rigid mounting members") resiliently flexible. In fact, Munch explains throughout that the calibration of the device and its responsiveness to the expected force introductions depends on the spring constant of the leaf spring. By rendering the mounting members of Munch resiliently flexible as well, Munch would have to redesign and re-parameterize his entire device. We cannot find any teaching that would fairly suggest such a modification.

In summary, neither Munch nor any other reference, whether taken alone or in any combination, either show or suggest the features of claim 13. Claim 13 is, therefore, patentable over the art and since all of the dependent claims are ultimately dependent on claim 13, they are patentable as well.

In view of the foregoing, reconsideration and the allowance of claims 13-27 are solicited.

If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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